

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS**

**Sisseton School District  
Accountability Review - Focus Monitoring Report 2008-2009**

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**Dates of On Site Visit:** October 21 and 22, 2008

**Date of Report:** November 25, 2008

**3 month Progress Report Due: February 25, 2009**

**Date Received:**

**6 month Progress Report Due: May 25, 2009**

**Date Received:**

**9 month Progress Report Due: August 25, 2009**

**Date Received:**

**Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, SEP of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state.

**Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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## **1. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT**

**Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 9-3-05)**

**24:05:28:03 Factors in determining placements**

Each school district shall establish and implement procedures which ensure that the following factors are addressed in determining placements:

- (1) Each child's educational placement must be individually determined at least annually and must be based on the child's individual education program;
- (2) Provisions are made for appropriate classroom or alternative settings necessary to implement a child's individual education program;
- (3) Unless a child's individual education plan requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled. Other placement shall be as close as possible to the child's home;
- (4) Placement in the least restrictive environment will not produce a harmful effect on the child or reduce the quality of services which that child needs; and
- (5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

**ARSD 24:05:27:01.03. Content of individualized education program**

- (3) A statement of the special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student:
  - (a) To advance appropriately toward attaining the annual goals;
  - (b) To be involved and progress in the general curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
  - (c) To be educated and participate with other students with disabilities and non-disabled students in the activities described in this section.
- (4) An explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular class and in activities described in this section.

October 2007: Through interview and a review of records, the team agrees that teachers are informed of the students who are on IEPs and the modifications they are responsible for implementing. The implementation of modifications continues to be monitored by the administrative staff to address individual concerns. However, at the middle/high school level, the special education services to be provided are not clearly stated to determine the commitment of service to the students. For example, "Special Education Service- Regular Educator/Special Educator-Regular Classroom/Resource Room- 3.3 hours per week". Based upon this statement, the team would be unable to calculate the actual amount of time the

student is removed from their peers and determine the appropriate least restrictive environment category in the continuum.

(#4, 14, 15, 19, 25)

**Follow-up: October 21<sup>nd</sup> and 22<sup>nd</sup>, 2008**

**Finding: Meets Requirement**

Through file reviews, the team noted appropriate statements of special education services to be provided on student's individual education program.

**Corrective Action: None**

## **2. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT**

**Present Level**

**State Performance Plan - Indicator 7:** Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills;
- B. Acquisition and use of knowledge and skills; and
- C. Use of appropriate behaviors to meet their needs.

**Finding:** The team met to review and provide technical assistance to staff who administer the Battelle Developmental Inventory -2 for progress monitoring. Training will be requested from the Special Education Program for specific district staff who will be trained to enter the information.

**Corrective Action: None**

## **3. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT**

**Present level:**

**State Performance Plan:** Indicator 1 - Graduation Rate: Percentage of youth with IEPs graduating from high school with a regular diploma. And Indicator 2 - Dropout Rate: Percentage of youth with IEPs dropping out of high school in the state.

**Finding:** The team interviewed staff in regard to the district's Performance Indicator Improvement Plan (PIIP) for Indicators 1 and 2. The interview validated that the district is implementing the plan to improve progress towards meeting the state targets.

**Corrective Action: None**

## **4. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT**

**Present level:**

**State Performance Plan:** Indicator 10 - Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. Although the district has not been flagged for Disproportionate representation of racial and ethnic groups in specific disability categories the area of speech and language indicates concerns with over identification of Native Americans.

**Findings:** The review team conducted speech and language file reviews, which resulted in no compliance finding that would contribute to the concern of over-identification of Native American students. The review team also conducted an interview with staff to hear what the district is doing to address the issue. At the current time, the district is implementing the following strategies to prevent the over identification of Native American students: working in cooperation with Head Start teachers and policy council, providing language lessons in the classroom and kindergarten progress monitoring. The district is current exploring the possibility of a district

preschool in conjunction with Head Start to address early language and literacy skills. Ideas suggested by the review team were: the use of a kindergarten progress monitoring tool that is research based such as the DIBELS or AIMSweb and implementing Early Intervening Services (EIS) for children who are not currently identified as needing special education or related services, but who need additional academic and behavior supports to succeed in a general environment. For more information on EIS see the Federal Register 300.226.

**Corrective Action: None**

## **1. GENERAL SUPERVISION**

**Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 10-08**

### **ARSD 24:05:25:26 Extended school year authorized**

The district shall provide special education or special education and related services to eligible children if the IEP team determines on an individual basis that such services are necessary for the provision of FAPE. An IEP pursuant to chapter 24:05:27 shall be developed by the IEP team and implemented with informed parental consent. The IEP team shall determine the length of the school day and duration of extended school year services based on the individual child's needs.

October 2007: Extended school year (ESY) services continue to be properly documented at the elementary school level. ESY services at the middle/high school level did not meet IEP content requirements. A meeting was to be held for a student on 4-1-07 to determine if ESY services were needed; however, there was no indication this meeting was conducted (#1). The IEP for another student who received ESY services did not document the services needed, the length of school day, or the duration of services (#6). Another IEP contained the services to be provided, but omitted the length of school day or the duration of service (#2).

**Follow-up: October 21<sup>st</sup> and 22<sup>nd</sup>, 2008**

**Finding: Meets Requirement**

Through file reviews, the team noted content requirements for extended school year (ESY) were documentation on student's individual education program.

**Corrective Action: None**

## **2. GENERAL SUPERVISION**

**Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 10-2007)**

### **ARSD 24:05:30:04 Prior notice and parent consent**

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services. Parental consent is not required before:

- (1) Reviewing existing data as part of an evaluation or reevaluation; or
- (2) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

### **24:05:25:04 Evaluation procedures**

School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (7) The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

October 2007: Through a review of student records, assessments were administered that were not included on the prior notice/consent signed by the parents.

For example:

1. Previous ability tests were used for determining continued eligibility for one student. The parent was not informed of this on the prior notice/consent for evaluation (#7).
2. A Connors and BASC were administered without parent consent (#1).
3. An adaptive behavior evaluation was administered without parent consent (#14).
4. A behavior evaluation was conducted without parent consent (#17).

#### **Follow-up: October 21 and 22, 2008**

**Finding:** Through a review of student records, prior notice/consent to parents continue to lack accurate information as to what areas will or will not be evaluated by the district. For example:

1. Previous medical information was used for determining continued eligibility. Speech and language sample, Connors and Behavior Assessment System for Children (BASC) were also completed. The parent was not informed of this on the prior notice/consent for evaluation (#5).
2. In several files where children had the disability of speech and language consent was obtained for only expressive language test; however, the therapist completed an assessment that measured both expressive and receptive language skills. (#14, 15, 18, and 19)
3. A speech and language evaluation was administered without parent consent (#12).

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> The district will meet with its evaluation team to review and revise district procedures to ensure that parents are given clear and accurate information as to the areas that will be evaluated by the district to determine eligibility for special education services or special education and related services. <b>Data Collection:</b> The district will submit the date the evaluation team met and who attended the meeting. A copy of the districts revised procedures for ensuring parent consent is received for all evaluations administered will be submitted.	May 1, 2009	District Special education director, NESEC and evaluation team	

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

### **3. GENERAL SUPERVISION**

**Present levels:** (Statement of present levels of performance that resulted in area of non-compliance from the report of 9-3-05)

#### **Issues Requiring Immediate Attention**

##### **ARSD 24:05:25:06 Reevaluations**

##### **ARSD 24:05:22:03 Certified child**

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

#### **ARSD 24:05:25:04 Evaluation procedures**

School districts shall ensure, at a minimum, that evaluation procedures include the following:

(7) The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

October 2007: Through interview and a review of student records, the review team identified the following issues:

1. Two students evaluated since May of 2005 were placed as multiply disabled using the areas of cognitive disability and speech/language. The team questioned the appropriateness of this category considering the evaluation results (#1 & 6)
2. Another student qualified under the category of speech/language but, through the override process, was placed under the category of multiple disabilities due to behavior issues. The student was dismissed from speech services in April of 2007 without evaluation and without considering the change in disability category (#8)
3. Five other student files were reviewed by the team. The evaluations in these files were conducted in 2005, before and after the previous on-site visit. The team questioned the appropriateness of the disability category, reporting procedures and evaluation data supporting disability category. Based upon the issues noted in the current and original findings, it would be beneficial for the district to review the evaluation data for all students placed in the multiple disabilities, other health impaired, and emotionally disturbed categories to ensure appropriate reporting (#3, 24, 8, 10, & 13).

#### **Follow-up: October 21 and 22, 2008**

**Finding:** Through file reviews, the team noted children were assessed in all areas related to the suspected disability which supports the child's disabling condition documented on the district's child count.

**Corrective Action: None**

#### **4. GENERAL SUPERVISION**

**Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 10-08)**

##### **ARSD 24:05:27:01.03. Content of individualized education program**

Each student's individualized education program shall include:

- (1) A statement of the student's present levels of educational performance, including:
  - (a) How the student's disability affects the student's involvement and progress in the general curriculum.
- (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to:
  - (a) Meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum.

October 2007: Through a review of student records, the review team found that the annual goals were not written to address what the student could reasonably be expected to accomplish within a 12 month period. Issues regarding functional assessment, present levels of performance and development of an appropriate program were as follows:

1. A student was eligible in the areas of reading and math. There did not appear to be functional assessment in the area of reading resulting in no link to the evaluation data (#4).

2. Another student was eligible in the area of reading and math; however, there was no functional assessment to support the student's reading needs. The present levels did not include reading strength and needs (#5).
3. A student moved to the district on 12-15-06. The eligibility category was other health impaired due to a diagnosis of ADHD. The only goal in the IEP was in the area of reading (#10).
4. The IEP for this student was incomplete and did not contain annual goals (#23).

**Follow-up: October 21 and 22, 2008**

**Finding:** Through file reviews, the team noted children were assessed in all areas related to the suspected disability which supports the child's disabling condition documented on the district's child count.

**Corrective Action: None**

## **5. GENERAL SUPERVISION**

**Present levels:**

**State Performance Plan - Indicator 3:** Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

**Finding: On-site October 21 and 22, 2008**

Through a review of 12 student files, data gathered by the team indicated accommodations/modifications were not consistently provided in the student's instructional program, and accommodations identified in the IEPs for State/District wide assessment were not consistently used during the assessment administration. Findings by the team were restricted to high school files. Elementary and Middle school files reviewed had no findings.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> 1. The district will review current policy/procedure with the high school special education teachers and testing coordinator to determine why discrepancies are occurring. 2. Develop a process in the high school that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Provide training to assure high school special education staff and testing coordinator are proficient in the implementation of the procedures/process. 4. Implement procedures and collect data to verify accommodations are appropriately documented and	May 1, 2009	Special Education Director and Staff & Testing Coordinator	

<p>provided during state/district assessments.</p> <p><b>Data Collection:</b></p> <p>The district will collect and submit to SEP the following data:</p> <ol style="list-style-type: none"> <li>1. Written description of the district's review process to identify why the discrepancies are occurring.</li> <li>2. Written description of the process the district will implement to correct the discrepancies.</li> <li>3. Training documentation to include the date staff training occurred, name of individual who provided the training, and sign-in sheet with names of all participants/position titles, who attended the training.</li> <li>4. Submit data from the high school level to verify accommodations are appropriately documented and provided during state/district assessments.</li> </ol>			
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**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**